

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:
*The Muscogee (Creek) Nation. v. Purdue
Pharma L.P., et al.*
Case No. 18-op-45459-DAP

MDL No. 2804

Hon. Dan Aaron Polster

**DEFENDANTS AMERISOURCEBERGEN CORP., AMERISOURCEBERGEN DRUG
CORP., CARDINAL HEALTH, INC., CARDINAL HEALTH 110, LLC, AND
McKESSON CORP.’S MOTION TO DISMISS (FED. R. CIV. P. 12(b)(6))**

Pursuant to Case Management Orders One [Dkt. 232] and Six [Dkt. 770], and this Court’s order of July 26, 2018 [Dkt. 791], defendants AmerisourceBergen Corporation, AmerisourceBergen Drug Corporation, Cardinal Health, Inc., Cardinal Health 110, LLC, and McKesson Corporation (collectively, “Distributors”) move to dismiss the First Amended Complaint in the above-referenced action with prejudice on the basis that it fails to state a claim upon which relief can be granted, for the reasons given in the accompanying memorandum of law, which is incorporated here.

Pursuant to Case Management Order One Section 2.g, Distributors raise “only those issues they believe are most critical,” and pursuant to Section 2.j, Distributors do not waive and hereby preserve any defenses not addressed in the motion and reserve their right “to file an individual motion to dismiss” at the appropriate time.

Dated: August 31, 2018

Respectfully submitted,

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¹ By filing this Motion, AmerisourceBergen Corporation does not concede that it is a proper party to this action.

CERTIFICATE OF SERVICE

I, Ashley W. Hardin, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Ashley W. Hardin
Ashley W. Hardin